

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOHN A. HARRISON, 02-B-1408,

05-CV-00068E(Sc)

Petitioner,

-vs-

JOHN BURGE,

ORDER

Respondent.

The Honorable Hugh B. Scott, a Magistrate Judge in this judicial district, having conducted all proceedings necessary pursuant to this Court's referral under 28 U.S.C. §636(b)(1)(B) and having on October 3, 2005 filed his Report and Recommendation concerning such and no objection thereto having been made, it is hereby

ORDERED that Judge Scott's Report and Recommendation is confirmed in its entirety and the Petition for a writ of habeas corpus is denied and this case shall be closed.

DATED: Buffalo, N.Y.

October 25, 2005

/s/ John T. Elvin

JOHN T. ELFVIN
S.U.S.D.J.